

**This document is for general informational purposes only, is subject to change, and is not to be considered legal advice.** Individuals who wish to obtain legal advice in a particular matter should consult an attorney. Also, individuals who desire more information about state law may contact the Equal Rights Division of the State of Wisconsin at (608) 266-6860 in Madison or (414) 227-4384 in Milwaukee. Individuals who desire more information about the federal fair housing law may contact the U.S. Department of Housing Development at (414) 297-3214, ext. 8301.

### Housing Remedies

<b>y = available</b>	<b>Wisconsin Open Housing Law</b>	<b>U.S. Fair Housing Act</b>
<b>Out-of-pocket Losses</b>	<b>y</b>	<b>y</b>
<b>Injunction</b>	<b>y</b>	<b>y</b>
<b>Attorney fees and Costs</b>	<b>y</b>	<b>y</b>
<b>Interest</b>	<b>y</b>	<b>y</b>
<b>Compensatory Damages for Emotional Harm and so on</b>	<b>y</b>	<b>y</b>
<b>Punitive Damages</b>	<b>in court</b>	<b>y</b>
<b>Fines</b>	<b>y</b>	<b>y</b>
<b>Other Remedies</b>	<b>y</b>	<b>y</b>

#### Wisconsin Open Housing Law Notes:

The Wisconsin Open Housing Law is at [section 106.50, Wisconsin Statutes](#) (formerly section 101.22, Wisconsin Statutes.) and covers the following protected classes: **sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, lawful source of income, age or ancestry.**

The law may be enforced by either filing a complaint with the Equal Rights Division or going through the administrative hearing process or a civil action may be filed directly in court. All of the above-listed remedies except for punitive damages may be awarded through an administrative hearing (punitive damages are only available in a court proceeding).

The item “**Other Remedies**” on the chart includes such remedies as cease and desist orders, requiring a housing provider to furnish appropriate training and so on.

#### Federal Law Notes:

The U.S. Fair Housing Act, 42 U.S.C. sec. 3601, et seq., prohibits discrimination based on **race, color, religion, sex, handicap, familial status, and national origin.** The federal law may also be enforced administratively through the U.S. Department of Housing and Urban Development (HUD) or by a civil action in court.

## Public Accommodations Remedies

### Public Accommodations Law Notes:

The Wisconsin “Public Accommodations and Amusements Law” is at [section 106.52, Wisconsin Statutes](#) and covers the following protected classes: **sex, race, color, creed, disability, sexual orientation, national origin or ancestry**. There are also some provisions, which prohibit **age** discrimination.

### Enforcement:

An individual may file a claim with the Equal Rights Division and seek administrative enforcement. After hearing, a decision may be appealed to the Labor and Industry Review Commission (LIRC). A LIRC decision may be appealed to court, but the court will hold a new trial, a jury trial can also be requested. This procedure differs, for example, from the procedure in fair employment cases under sec. 111.31, et seq. Wisconsin Statutes where the appeal of a LIRC decision is reviewed by the court, but does not result in a new trial.

It is also possible to file a civil action directly in court.

### Remedies:

Remedies available in a **civil action** include, but may not necessarily be limited to, damages, including punitive damages, court costs, and reasonable attorney fees. Fines may also be imposed.

At the administrative level, if a violation is found, an order shall be issued, for “such action by the Respondent as will effectuate the purpose of (3) and this subsection.” [[See section 106.52\(4\) \(a\) 4, Wisconsin Statutes](#)]. There is little case law in this area. Since any dissatisfied party could ultimately appeal a decision by an Administrative Law Judge (after review by LIRC) to court, where a new trial would be granted (which includes a right to trial by jury). There may be an argument that, except for punitive damages, the administrative remedies awardable should be identical to those available in court.

However, at this time the scope of administrative remedies is not entirely settled, but would likely include at least out-of-pocket expenses, reasonable costs, and attorney fees, cease and desist orders, appropriate training and other “make-whole” type remedies, and fines.

**For more information, please contact us.**

**STATE OF WISCONSIN  
DEPARTMENT OF WORKFORCE DEVELOPMENT  
EQUAL RIGHTS DIVISION  
CIVIL RIGHTS BUREAU**

201 E WASHINGTON AVE ROOM A300  
PO BOX 8928  
MADISON WI 53708

819 N 6th ST  
ROOM 255  
MILWAUKEE WI 53203

Telephone Number: (608) 266-6860  
TTY: (608) 264-8752

Telephone Number: (414) 227-4384  
TTY: (414) 227-4081

Website: <http://dwd.wisconsin.gov/er/>

**DWD is an equal opportunity employer and service provider. If you have a disability and/or have civil rights questions and need this information in an alternate format or need, it translated to another language, please contact us.**

- + [Chapter 1](#)
- + [Chapter 2](#)
- + [Chapter 3](#)
- + [Chapter 4](#)
- + [Chapter 5](#)
- + [Chapter 6](#)
- + [Chapter 7](#)
- + [Chapter 8](#)
- + [Chapter 9](#)
- + [Chapter 10](#)
- + [Chapter 11](#)
- + [Chapter 12](#)
- + [Chapter 13](#)
- + [Chapter 14](#)
- + [Chapter 15](#)
- + [Chapter 16](#)
- + [Chapter 17](#)
- + [Chapter 18](#)
- + [Chapter 19](#)
- + [Chapter 20](#)
- + [Chapter 21](#)
- + [Chapter 23](#)
- + [Chapter 24](#)
- + [Chapter 25](#)
- + [Chapter 26](#)
- + [Chapter 27](#)
- + [Chapter 28](#)
- + [Chapter 29](#)
- + [Chapter 30](#)
- + [Chapter 31](#)
- + [Chapter 32](#)
- + [Chapter 33](#)
- + [Chapter 34](#)
- + [Chapter 35](#)
- + [Chapter 36](#)
- + [Chapter 38](#)
- + [Chapter 39](#)
- + [Chapter 40](#)
- + [Chapter 41](#)

106.50

**106.50 Open housing.**

106.50(1)



**(1) Intent.** It is the intent of this section to render unlawful discrimination in housing. It is the declared policy of this state that all persons shall have an equal opportunity for housing regardless of sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, lawful source of income, age or ancestry and it is the duty of the political subdivisions to assist in the orderly prevention or removal of all discrimination in housing through the powers granted under [ss. 66.0125](#) and [66.1011](#). The legislature hereby extends the state law governing equal housing opportunities to cover single-family residences which are owner-occupied. The legislature finds that the sale and rental of single-family residences constitute a significant portion of the housing business in this state and should be regulated. This section shall be deemed an exercise of the police powers of the state for the protection of the welfare, health, peace, dignity and human rights of the people of this state.

106.50(1m)

**(1m) Definitions.** In this section:

106.50(1m)(ad)



(ad) "Advertise" means to publish, circulate, issue or display, or cause to be published, circulated, issued or displayed, any communication, notice, advertisement or sign in connection with the sale, financing or rental of housing.

106.50(1m)(am)



(am) "Age", in reference to a member of a protected class, means at least 18 years of age.

106.50(1m)(b)



(b) "Aggrieved person" means a person who claims to have been injured by discrimination in housing or believes that he or she will be injured by discrimination in housing that is about to occur.

+ [Chapter 42](#)+ [Chapter 43](#)+ [Chapter 44](#)+ [Chapter 45](#)+ [Chapter 46](#)+ [Chapter 47](#)+ [Chapter 48](#)+ [Chapter 49](#)+ [Chapter 50](#)+ [Chapter 51](#)+ [Chapter 55](#)+ [Chapter 58](#)+ [Chapter 59](#)+ [Chapter 60](#)+ [Chapter 61](#)+ [Chapter 62](#)+ [Chapter 63](#)+ [Chapter 64](#)+ [Chapter 65](#)+ [Chapter 66](#)+ [Chapter 67](#)+ [Chapter 68](#)+ [Chapter 69](#)+ [Chapter 70](#)+ [Chapter 71](#)+ [Chapter 72](#)+ [Chapter 73](#)+ [Chapter 74](#)+ [Chapter 75](#)+ [Chapter 76](#)+ [Chapter 77](#)+ [Chapter 78](#)+ [Chapter 79](#)+ [Chapter 82](#)+ [Chapter 83](#)+ [Chapter 84](#)+ [Chapter 85](#)+ [Chapter 86](#)+ [Chapter 87](#)+ [Chapter 88](#)+ [Chapter 90](#)+ [Chapter 91](#)**106.50(1m)(c)**

(c) "Complainant" means a person who files a complaint alleging discrimination in housing.

**106.50(1m)(d)**

(d) "Conciliation" means the attempted resolution of issues raised by a complaint or by the investigation of the complaint, through informal negotiations involving the aggrieved person, the complainant, the respondent and the department.

**106.50(1m)(e)**

(e) "Condominium" has the meaning given in [s. 703.02 \(4\)](#).

**106.50(1m)(f)**

(f) "Condominium association" means an association, as defined in [s. 703.02 \(1m\)](#).

**106.50(1m)(g)**

(g) "Disability" means a physical or mental impairment that substantially limits one or more major life activities, a record of having such an impairment or being regarded as having such an impairment. "Disability" does not include the current illegal use of a controlled substance, as defined in [s. 961.01 \(4\)](#), or a controlled substance analog, as defined in [s. 961.01 \(4m\)](#), unless the individual is participating in a supervised drug rehabilitation program.

**106.50(1m)(h)**

(h) "Discriminate" means to segregate, separate, exclude or treat a person or class of persons unequally in a manner described in [sub. \(2\)](#), [\(2m\)](#) or [\(2r\)](#) because of sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, lawful source of income, age or ancestry.

**106.50(1m)(i)**

(i) "Dwelling unit" means a structure or that part of a structure that is used or intended to be used as a home, residence or sleeping place by one person or by 2 or more persons who are maintaining a common household, to the exclusion of all others.

**106.50(1m)(j)**

(j) "Family" includes one natural person.

- + [Chapter 92](#)
- + [Chapter 93](#)
- + [Chapter 94](#)
- + [Chapter 95](#)
- + [Chapter 96](#)
- + [Chapter 97](#)
- + [Chapter 98](#)
- + [Chapter 99](#)
- + [Chapter 100](#)
- + [Chapter 101](#)
- + [Chapter 102](#)
- + [Chapter 103](#)
- + [Chapter 104](#)
- + [Chapter 105](#)
- + [Chapter 106](#)
- + [Chapter 107](#)
- + [Chapter 108](#)
- + [Chapter 109](#)
- + [Chapter 110](#)

▼ More

▼ End

### 106.50(1m)(k)



(k) "Family status" means any of the following conditions that apply to a person seeking to rent or purchase housing or to a member or prospective member of the person's household regardless of the person's marital status:

#### 106.50(1m)(k)1.



1. A person is pregnant.

#### 106.50(1m)(k)2.



2. A person is in the process of securing sole or joint legal custody, periods of physical placement or visitation rights of a minor child.

#### 106.50(1m)(k)3.



3. A person's household includes one or more minor or adult relatives.

#### 106.50(1m)(k)4.



4. A person's household includes one or more adults or minor children in his or her legal custody or physical placement or with whom he or she has visitation rights.

#### 106.50(1m)(k)5.



5. A person's household includes one or more adults or minor children placed in his or her care under a court order, under a guardianship or with the written permission of a parent or other person having legal custody of the adult or minor child.

### 106.50(1m)(km)



(km) "Hardship condition" means a situation under which a tenant in housing for older persons has legal custody or physical placement of a minor child or a minor child is placed in the tenant's care under a court order, under a guardianship or with the written permission of a parent or other person having legal custody of the minor child.

### 106.50(1m)(L)



(L) "Housing" means any improved property, or any portion thereof, including a mobile home as defined in [s. 66.0435 \(1\) \(d\)](#) or condominium, that is used or occupied, or is intended, arranged or designed to be used or occupied, as a home or residence. "Housing" includes any vacant land that is offered for sale or rent for the construction or location thereon of any building, structure or portion thereof that is used or occupied, or is intended, arranged or designed to be used or occupied, as a home or residence.

**106.50(1m)(m)**

(m) "Housing for older persons" means any of the following:

**106.50(1m)(m)1.**

1. Housing provided under any state or federal program that the secretary determines is specifically designed and operated to assist elderly persons, as defined in the state or federal program.

**106.50(1m)(m)2.**

2. Housing solely intended for, and solely occupied by, persons 62 years of age or older.

**106.50(1m)(m)3.**

3. Housing primarily intended and primarily operated for occupancy by at least one person 55 years of age or older per dwelling unit.

**106.50(1m)(mm)**

(mm) "Interested person" means an adult relative or friend of a member of a protected class, or an official or representative of a private agency, corporation or association concerned with the welfare of a member of a protected class.

**106.50(1m)(nm)**

(nm) "Member of a protected class" means a group of natural persons, or a natural person, who may be categorized based on one or more of the following characteristics: sex, race, color, disability, sexual orientation as defined in [s. 111.32 \(13m\)](#), religion, national origin, marital status, family status, lawful source of income, age or ancestry.

**106.50(1m)(om)**

(om) "Political subdivision" means a city, village, town or county.

**106.50(1m)(q)**

(q) "Relative" means a parent, grandparent, greatgrandparent, stepparent, step grandparent, brother, sister, child, stepchild, grandchild, step grandchild, greatgrandchild, first cousin, 2nd cousin, nephew, niece, uncle, aunt, stepbrother, stepsister, half brother or half sister or any other person related by blood, marriage or adoption.

*Unofficial text from Wis Stats. database.  
See printed Statutes and Wis. Acts for  
official text under s. 35.18(2) stats. Report  
errors to the Revisor of Statutes at (608)  
266-2011, FAX 264-6978, [send email to the  
Revisor's Bureau](#)*

Hide

More

End

[ [Search](#) ]

quick  
FIND

other  
DATA



Requires Javascript

Records: 211256 Hits: 0

[Help](#) ]

Show records with hits in document

Show headings with hits in table of contents

Go to Statute Section or Chapter [ [Help](#) ]